IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 15TH MARCH 2007 / 24TH PHALGUNA 1928

WP(C).No. 7121 of 2007(W)

PETITIONER:

A.J. VARGHESE, S/O.OUSEPH,
ADAVICHIRA KANNANKOTTAL HOUSE,
PALLIKKACHIRA P.O., PAIPAD MURI,
CHANGANASSERRY TALUK.

BY ADV. SRI.P.HARIDAS

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY, DEPARTMENT OF LOCAL SELF GOVERNMENT
THIRUVANANTHAPURAM.

2. RESERVEY SUPERINTENDENT,
PATHANAMTHITTA.

3. TALUK SURVEYOR, TALUK OFFICE,
MALLAPPALLY.

4. MALLAPPALLY GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY.

R1 TO R3 BY ADV. SMT. T.B. RAMANI, GOVT. PLEADER.
R4 BY ADV. SRI.K.SASIKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 7121 OF 2007

Dated this the 15th day of March, 2007

JUDGMENT

Considering the grounds raised in the Writ Petition and the submissions made before me by Sri.P.Haridas, counsel for the petitioner, Sri.K. Sasikumar, Standing Counsel for the Panchayat and the learned Government Pleader for respondents 1, 2 and 3, I am of the view that consideration of justice and the principle that final quietus must be given to disputes over property especially when they are between citizens and local authority, directions can be issued to the 2nd respondent to conduct a survey of the property belonging to the petitioner covered by Ext.P1 deed in the light of Exts.P2, P3 and all other relevant materials. Accordingly, the Writ Petition is disposed of issuing the following directions:

The 2nd respondent is directed to conduct a measurement of the petitioner's property covered by Ext.P1 with notice to the 4th respondent. Measurement will be conducted by him in accordance with law and property covered by Ext.P1, which is not in dispute will be identified and shown in a plan to be prepared by him. Necessary charges for survey and measurement will be borne by the petitioner. Measurement as directed above shall be completed within three months of receiving copy

of this judgment. The 2nd respondent will furnish a copy of the sketch to be prepared by him on the basis of the measurement to the Panchayat also so that if necessary Panchayat can take further action.

PIUS C. KURIAKOSE, JUDGE

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